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10/632,563

07/31/2003

Tom Cheng

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EXAMINER

PANNALA, SATHYANARAYAN R

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,563

Applicant(s)

CHENG ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14-23, 25, 27-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 11, 13, 24, 26 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-23, 25, 27-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicants Amendment filed on 5/14/2007 has been entered with amended claims 1-4, 8, 10, 14-17, 23, 27-30 and cancelled claims 11, 13, 24, 26, 31. In this Office Action, claims 1-10, 12, 14-23, 25, 27-30 and 32 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 14-23, 25, 27-30, 32 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 1, 14 and 27 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-10, 12, 14-23, 25, 27-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsett Jr. (US Patent 6,658,429) hereinafter Dorsett, and in view of Woolston et al. (US Patent 6,856,967) hereinafter Woolston.

6. As per independent claims 1, 14, 27, Dorsett teaches a method implementing techniques for processing from chemical experimentation for or on a library of materials or a subset of such a library of materials (col. 2, lines 39-45). Dorsett teaches the claimed, retrieving data from an identified database object, the database object data including attribute data for the database object (Fig. 1, col.5, lines 31-38). Dorsett teaches the claimed, retrieving metadata from the database object, the metadata

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including a name, a data type, and a value for each attribute of the database object (Fig. 1, col. 9, lines 26-43 and col. 13, lines 14-19). Dorsett teaches the claimed, creating and storing an electronic file for the database object in a generalized data format constructing a generalized data structure for the attribute data using the metadata (Fig. 1, col. 9, lines 20-30). Dorsett teaches the claimed, parsing the attribute data into the generalized data structure (Fig. 1, col. 19, lines 18-21). Dorsett teaches the claimed, exporting the electronic file to one or more external systems for display using an application residing on the one or more external systems (Fig. 1, col. 20, lines 40-43).

Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

7. As per dependent claims 2, 15, 28, Dorsett teaches the claimed, Dorsett teaches the claimed, receiving a request for database object data associated with a particular database object (Fig. 1, col. 7, lines 35-43).

8. As per dependent claims 3, 16, 29, Dorsett teaches the claimed, retrieving database object data comprises retrieving opportunity header data and data for one or more opportunity listings (col. 2, line 55 to col. 3, line 10).

9. As per dependent claims 4, 17, Dorsett teaches the claimed, the database object data includes data related to a desired commercial transaction (col. 2, lines 45-54).

10. As per dependent claims 5, 18, Dorsett teaches the claimed, the opportunity header data includes an opportunity type and an opportunity identifier (col. 3, lines 40-54).

11. As per dependent claims 6, 19, Dorsett teaches the claimed, the data for one or more opportunity listings includes product data, the product data associated with a product to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).

12. As per dependent claims 7, 20, Dorsett teaches the claimed, the data for one or more opportunity listings includes service data, the service data associated with a service to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).

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13. As per dependent claims 8, 21, 30, Dorsett teaches the claimed, retrieving database object data comprises retrieving response data associated with the one or more opportunity listings (Fig. 1, col. 7, lines 57-61).

14. As per dependent claims 9, 22, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the response data includes a bid amount corresponding to one or the one or more opportunity listings (Fig. 12, col. 16 line 64 to col. 17, line 7). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

15. As per dependent claims 10, 23, Dorsett teaches the claimed, retrieving database object data includes executing one or more series query language statements according to a persistence layer implementation (Fig. 1, col. 9, lines 18-22).

16. As per dependent claims 11, 24, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the attribute data includes data for a first set of static attributes and a first set of dynamic attributes (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

17. As per dependent claims 12, 25, 32, Dorsett teaches the claimed, the generalized data structure conforms to extensible markup language (XML) format (Fig. 1, col. 9, lines 50-55).

Response to Arguments

18. Applicant's arguments filed on 5/14/2007 have been fully considered but they are not persuasive and details as follows:

a) Applicants' argument stated as "Dorsett does not disclose or suggested , as recited in claim 1..." (see page 10, paragraph last).


In response to Applicants' argument, Examiner respectfully disagrees, because Applicant combines few dependent claims with independent claims. The second reference teaches, so, the rejection of independent claims is changed from 35 U.S.C. 102 to 103 to use the second reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Primary Examiner

srp
July 21, 2007